

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

ASAKO et al.

Group Art Unit: 1651

Application No.: 10 004,115

Filed: December 6, 2001

For: PROCESS FOR PRODUCING OPTICALLY ACTIVE  
4-HALO-3-HYDROXYBUTANOATE

May 21, 2002

RESPONSE TO NOTICE TO FILE MISSING PARTS

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

In response to the Notice To File Missing Parts of Application dated March 21, 2002,

The items checked below are appropriate:

1. Status of Applicant

This application is on behalf of ☒ other than a small entity or ☐ a small entity.

The verified statement ☐ is attached or ☐ was filed on .

2. Documents Submitted Herewith

- ☒ Executed Declaration of inventor(s).
- ☐ Verified Statement claiming small entity status.
- ☐ Sequence Listing (and accompanying Preliminary Amendment, Verification, and diskette).
- ☐ Verified English translation of application.
- ☒ Copy of the Notice to File Missing Parts of Application.
- ☒ Other: Assignment

**3. Application Filing Fee**

APPLICATION FEES				
BASIC FEE				\$740.00
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	
Total Claims	49 - 20 =	29	x \$18.00	\$522.00
Independent Claims	6 - 3 =	3	x \$84.00	\$252.00
■ Multiple Dependent Claims(s) if applicable			+ \$280.00	\$280.00
Total of above calculations =				\$1,794.00
Reduction by 50% for filing by small entity =				\$( )
TOTAL =				\$1,794.00

**4. Fee for Late Filing of Missing Parts**

Pursuant to 37 C.F.R. § 1.17(e), the surcharge for filing this Response is for ■ other than a small entity or □ a small entity.

**Fee Due: \$130.00**

**5. Fee for Submitting a Non-English Specification**

Pursuant to 37 C.F.R. § 1.17(k), the surcharge for submitting a non-English specification is included.

**Fee Due\$**

**5. Extension of Time**

☐ Applicant petitions for a extension of time under 37 C.F.R. § 1.136, the fee for which is .

■ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

**Extension fee due with this request: \$**

**6. Total Fee Due**

The total fee due is:

Surcharge	\$130.00
Translation Fee (if any)	\$
Application Filing Fee (if any)	\$1,794.00
Extension Fee (if any)	\$

**Total Fee Due: \$1,924.00**

In re Appln. of ASAKO et al.  
Appln No. 10 004,115

7. **Fee Payment**

- ☐ Attached is a check in the sum of \$  
☒ Charge Account No. 06-1135, under Order No. 7372/72249, the sum of \$1,924.00. A duplicate of this transmittal is attached.

8. **Fee Deficiency**

- ☒ If any additional fee is required in connection with this communication, charge Account No. 06-1135. A duplicate of this transmittal is attached.

Respectfully submitted,

FITCH, EVEN, TABIN & FLANNERY

By: 

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## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING DATE/DATE	FIRST NAMED APPLICANT	ATTORNEY/AGENT NUMBER
10/004,115	12/06/2001	Thercole, Asst. Inc.	73373333

22242  
FITCH EVEN TABIN AND FLANNERY  
120 SOUTH LA SALLE STREET  
SUITE 1600  
CHICAGO, IL 60603-3406

CONFIRMATION NO. 3895

## FORMALITIES LETTER



\*0000000007693507\*

Date Mailed: 03/21/2002

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

## Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 740 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- Total additional claim fee(s) for this application is \$1054.
  - \$522 for 29 total claims over 20
  - \$252 for 3 independent claims over 3
  - \$280 for multiple dependent claim surcharge.
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 1924.
- This application does not contain a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). Applicant must provide such statement. If the effective filing date is on or after September 8, 2000 see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e). If the effective filing date is on or after September 8, 2000 see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is



identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

*A copy of this notice MUST be returned with the reply.*

*lu*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

**RECEIVED**  
FITCH, EVEN TABIN & FLANNERY - DC

MAR 28 2002

CL# 7372 MT# 72249  
ATTY(S) KHC  
DUE: 5-21-02  
DRT BY (1) (2)